



May 10, 2006

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JOYCE CROSTHWAITE
Executive Officer

TO: Local Agency Formation Commission

FROM: Executive Officer
Project Manager

SUBJECT: Proposed "Talega Annexation No. 31 to the City of San Clemente"
(CA 05-04)

APPLICANT

Talega Associates, LLC, by landowner petition.

PROPOSAL DESCRIPTION

Proposed with 100% consent of the property owners is annexation of approximately 6.165 acres of uninhabited, unincorporated territory to the City of San Clemente. This proposal is the fifth annexation of the Talega Batch No. 3 annexations, and thirty-fifth overall of the Talega Valley Development annexations to the City of San Clemente. The proposal site is planned for two residential units. The entire Talega Valley Development encompasses approximately 3,510 acres, with approximately 1,880 acres located within the City of San Clemente and approximately 127 acres in unincorporated County territory within the City's sphere of influence.

LOCATION

The annexation territory is generally located east of the City, north of Avenida Pico, and west of the Foothill Transportation Corridor South CP-Alignment. (See attached vicinity map.)

LAND USE

The City and County General Plans designate the proposal site as Low Density Residential. Adjacent and surrounding land uses include similarly planned residential developments of Talega Valley.

PROPERTY TAX

Property tax resolutions have been adopted by the City and County in accordance with their Master Property Tax Exchange Agreement, with the County receiving 51% of property tax revenues and the City receiving 49%.

ENVIRONMENTAL REVIEW

The City of San Clemente prepared and adopted EIR 84-02 for adoption of the Talega Valley Specific Plan, and prepared and adopted a 1999 Addendum to EIR 84-02, for annexation of the Talega Valley Development and formation of the Joint Planning Authority, pursuant to the California Environmental Quality Act. The Addendum finds that: (1) there have not been substantial changes in the project that require major revisions to the previous EIR; (2) there have not been substantial changes with respect to the circumstances under which the project is undertaken; and (3) there is no new information of substantial environmental significance. The Commission previously considered EIR 84-02, Addendum to EIR 84-02, and findings made by the City of San Clemente for EIR 84-02 on July 14, 1999 at its hearing on “Talega Annexation No. 1 to the City of San Clemente” (CA 98-12).

REGIONAL HOUSING NEEDS ASSESSMENT (RHNA)

The County and the City of San Clemente entered into an agreement on December 4, 2001 for the transfer of RHNA allocations from the County to the City. Based on this agreement, a total of 1,864 of the County’s RHNA housing allocation units (applicable to areas within the Talega Valley Development that have been, or will be, annexed into the City of San Clemente) will be transferred to the City of San Clemente upon issuance of the building permits. Should the issuance of building permits precede the annexation of an area within the Talega Valley Development, the effective date of the transfer of the RHNA allocation units shall be the date of recordation of the Certificate of Completion for the respective annexation area.

STAFF RECOMMENDATION

Staff recommends that the Commission:

1. Make findings pursuant to State CEQA Guidelines §15096(g)(2) and §15096(h), that the Commission has considered EIR 84-02 and Addendum to EIR 84-02 prepared by the City of San Clemente, and that it did not find any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment, and that it has considered findings made by the City of San Clemente for EIR 84-02 pursuant §§15091 and 15093, incorporated herein by this reference, adopted by the Commission as though fully set forth herein.
2. Adopt the form of resolution approving the “Talega Annexation No. 31 to the City of San Clemente” (CA 05-04) and waive conducting authority proceedings pursuant to Government Code Section 56663. The approval is subject to the following terms and conditions:
 - a) Payment of Recorder and State Board of Equalization fees.
 - b) Prior to the issuance of the Certificate of Completion by the Executive Officer, the Talega Joint Planning Authority shall provide written notice to the Executive Officer that all building permits within the annexation territory have been issued by the Talega Joint Planning Authority.

- c) Prior to the issuance of the Certificate of Completion by the Executive Officer, the City shall adopt a resolution adopting the areas of benefit designated below and agreeing to participate in the applicable Major Thoroughfare and Bridge Fee Programs including: collecting fees as required by the fee programs and depositing said fees together with earned interest on a quarterly basis with the Transportation Corridor Agency (TCA) or County, as applicable. Areas of benefit: Foothill/Eastern Transportation Corridor and the La Pata Supplemental Fee Program.
- d) Upon the effective date of annexation, the City shall assume ownership and maintenance responsibilities for all drainage devices, storm drain channels and appurtenant facilities, site drainage, and all master plan storm drain facilities that are operated and maintained by the County of Orange within the annexation area.
- e) Orange County Flood Control District (OCFCD) owned and operated facilities for which OCFCD has fee title or an easement for flood control purposes (i.e. not a floodplain easement) will continue to be operated and maintained by OCFCD.
- f) The City shall accept and adopt the County's Master Plan of Drainage (MPD) in effect within its boundaries. Any deviation from the MPD shall be submitted to the Manager of Flood Control Division, County of Orange Resources and Development Management Department, for review of conformity with the County's General Plans.
- g) The City shall be responsible for the administration of floodplain zoning and Federal Emergency Management Agency (FEMA) floodplain regulations within the annexation area.
- h) The City shall coordinate development adjacent to any existing flood control facilities, for which OCFCD has a recorded flood control easement or owns fee interest, by submitting plans and specifications to the Manager of Flood Control Division, County of Orange Resources and Development Management Department, for review and require execution of agreement for acceptance of the facility design and construct necessary flood facilities to the satisfaction of Orange County.
- i) Upon annexation of the territory to the city, all right, title, and interest of the county, including the underlying fee title where owned by the County in any and all sidewalks, storm drains, trails, landscaped areas, street lights, signals, open space, water quality treatment basins and/or structures, and water quality treatment basins or systems serving roadway and bridges shall vest in the city, except for those properties to be retained by the County and specifically listed by these conditions. The city shall assume ownership and maintenance responsibility upon the issuance of the certificate of completion by the executive officer.
- j) The portion of County's Christianitos Regional Riding and Hiking Trail that exists within the annexation area be retained by the County as part of its extensive regional trail network or be provided through conditions of approval by the City of San Clemente for subdivisions/areas not yet approved/developed.
- k) The County and the City of San Clemente entered into an agreement on December 4, 2001 for the transfer of RHNA allocations from the County to the

City. Based on this agreement, a total of 1,864 of the County's RHNA housing allocation units (applicable to areas within the Talega Valley Development that have been, or will be, annexed into the City of San Clemente) will be transferred to the City of San Clemente upon issuance of the building permits. The effective date of the transfer shall be the effective date of issuance of building permits. Should the issuance of building permits precede the annexation of an area within the Talega Valley Development, the effective date of the transfer of the RHNA allocation units shall be the date of recordation of the Certificate of Completion for the respective annexation area.

- l) The applicant agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers and employees from any claim, action or proceeding against LAFCO and/or its agents, officers and employees to attack, set aside, void or annul the approval of LAFCO concerning this proposal or any action relating to or arising out of such approval.
- m) The effective date shall be the date of recordation.

Respectfully submitted,

JOYCE CROSTHWAITE

CAROLYN EMERY

Attachments: Vicinity Map
 Form of Resolution

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF ORANGE COUNTY, CALIFORNIA
MAKING DETERMINATIONS AND APPROVING
TALEGA ANNEXATION NO. 31 TO THE CITY OF SAN CLEMENTE**

May 10, 2006

On motion of Commissioner _____, duly seconded and carried, the following resolution was adopted:

WHEREAS, the proposed annexation to the City of San Clemente, designated as "Talega Annexation No. 31 to the City of San Clemente" (CA 05-04), was heretofore filed with and accepted for filing on April 28, 2006 by the Executive Officer of this Local Agency Formation Commission pursuant to Title 5, Division 3, commencing with Section 56000 et seq. of the Government Code; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56658 set May 10, 2006, as the hearing date of this proposal; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56665 has reviewed this proposal and prepared a report including her recommendation thereon, and has furnished a copy of this report to each person entitled to a copy; and

WHEREAS, this Commission on May 10, 2006, considered the proposal and the report of the Executive Officer, and considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code Section 56668; and

WHEREAS, this Commission called for and held a public hearing on the proposal on May 10, 2006, and at the hearing, this Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer; and

WHEREAS, information satisfactory to this Commission has been presented that all the owners of land within the proposed territory have given their written consent to the annexation;

and

WHEREAS, this Commission has fulfilled its obligations as a responsible agency as defined by the California Environmental Quality Act and has reviewed and considered EIR 84-02 and Addendum to EIR 84-02 prepared by the City of San Clemente, and has made findings pursuant to Sections 15096(g)(2) and 15096(h) of the State CEQA Guidelines.

NOW, THEREFORE, the Local Agency Formation Commission of the County of Orange based on the findings, discussion and conclusions set forth in the Executive Officer's report, which is incorporated herein by this reference, DOES HEREBY RESOLVE, DETERMINE and ORDER as follows:

Section 1. Pursuant to Sections 15096(g)(2) and 15096(h) of the State CEQA Guidelines, the Commission has considered EIR 84-02 and Addendum to EIR 84-02 prepared by the City of San Clemente, and finds as follows:

- a) No feasible alternative or feasible mitigation measures within its powers would substantially lessen or avoid any significant effect the project would have on the environment.
- b) The Commission has considered findings made by the City of San Clemente for EIR 84-02 pursuant to Sections 15091 and 15093 and the Mitigation Monitoring Program for EIR 482 for the Rolling Hills Planned Community prepared by the County of Orange, which findings are hereby incorporated herein by this reference and adopted by the Commission as though fully set forth herein.

Section 2. The proposal is approved subject to the following terms and conditions:

- a) Payment by the applicant of the Recorder and State Board of Equalization fees.
- b) Prior to the issuance of the Certificate of Completion by the Executive Officer, the Talega Joint Planning Authority shall provide written notice to the Executive Officer that all building permits within the annexation territory have been issued by the Talega Joint Planning Authority.
- c) Prior to the issuance of the Certificate of Completion by the Executive Officer, the City shall adopt a resolution adopting the areas of benefit

designated below and agreeing to participate in the applicable Major Thoroughfare and Bridge Fee Programs including the collection of fees as required by the fee programs and depositing said fees, together with earned interest on a quarterly basis, with the Transportation Corridor Agency (TCA) or County, as applicable. Areas of benefit: Foothill/Eastern Transportation Corridor and the La Pata Supplemental Fee Program.

- d) Upon the effective date of annexation, the City shall assume ownership and maintenance responsibilities for all drainage devices, storm drain channels and appurtenant facilities, site drainage, and all master plan storm drain facilities that are operated and maintained by the County of Orange within the annexation area.
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- j) The portion of County's Christianitos Regional Riding and Hiking Trail that exists within the annexation area be retained by the County as part of its extensive regional trail network or be provided through conditions of approval by the City of San Clemente for subdivisions/areas not yet approved/developed.
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- m) The effective date shall be the date of recordation.

